

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**CONNELLY CONSTRUCTION
CORPORATION,**

Plaintiff,

v.

**TRAVELERS CASUALTY AND SURETY
COMPANY OF AMERICA et al.,**

Defendants.

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CIVIL ACTION

No. 16-555

ORDER

AND NOW, this 2nd day of January, 2018, after a trial from July 24 to 26, 2017, and upon consideration of Defendants' Proposed Findings and Conclusions (Doc. No. 72), Plaintiff's Proposed Findings of Fact and Conclusions of Law (Doc. No. 73), and Responses thereto (Doc. Nos. 74 and 76), it is hereby ordered that:

1. The Court finds in favor of the Defendants on the question of the effect of the releases and change orders.
2. The Court finds that the Defendants did not waive their ability to rely on the releases and change orders.
3. Defendants' Motion for Summary Judgment (Doc. No. 38) is **deemed MOOT**.
4. By no later than January 31, 2018, the parties shall file position statements on which issues, if any, remain outstanding in this case.

BY THE COURT:

S/Gene E.K. Pratter
GENE E.K. PRATTER
UNITED STATES DISTRICT JUDGE